



2006 COMPETITIVE 9% HTC APPLICATION SUPPLEMENT

Texas Department of Housing and Community Affairs (TDHCA)
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| | |
|---|-----------|
| APPLICANT SELF SCORE | 2 |
| INCOME LEVELS OF TENANTS | 3 |
| SIZE AND QUALITY OF THE UNITS (PART A)..... | 4 |
| SIZE AND QUALITY OF THE UNITS (PART B) | 5 |
| COMMITMENT OF DEVELOPMENT FUNDING FROM LOCAL POLITICAL SUBDIVISIONS..... | 6 |
| RENT LEVELS OF THE UNITS | 7 |
| COST OF THE DEVELOPMENT BY SQUARE FOOT | 8 |
| TENANT SUPPORTIVE SERVICES CERTIFICATION..... | 9 |
| PRE-APPLICATION CERTIFICATION | 10 |
| DEVELOPMENT LOCATION | 11 |
| TENANT POPULATIONS WITH SPECIAL NEEDS..... | 12 |
| LENGTH OF AFFORDABILITY PERIOD SELECTION FORM..... | 13 |
| PART A. PROXIMITY OF SITE TO AMENITIES | 14 |
| PART B. NEGATIVE SITE AMENITIES..... | 15 |
| SPONSOR CHARACTERISTICS CERTIFICATION..... | 16 |
| AGREEMENT TO THE PROVISION OF RIGHT OF FIRST REFUSAL | 19 |
| LEVERAGING OF PRIVATE, STATE AND FEDERAL RESOURCES | 21 |

Volume 4, Tab 1

Applicant Self Score

Instructions: Complete the following form and indicate all points requested for this application. All evidence as required by §50.9(i) must be submitted as outlined in the *Application Submission Procedures Manual*.

| §50.9(i) | ASPM Tab # | Point Category | Points Requested |
|---|---------------|---|---------------------|
| (1) | 2 | Financial Feasibility of the Development. (28 points). | _____ |
| (3) | 3 | The Income Levels of Tenants of the Development. (22 Point Maximum) | _____ |
| (4) | 4 | The Size and Quality of the Units (Development Characteristics). (20 Points Maximum for Part A and B combined) | _____ |
| (5) | 5 | The Commitment of Development Funding by Local Political Subdivisions. (18 Point Maximum) | _____ |
| (7) | 6 | The Rent Levels of the Units. (12 Point Maximum) | _____ |
| (8) | 7 | The Cost of the Development by Square Foot (Development Characteristics). (10 Points) | _____ |
| (9) | 8 | The Services to be Provided to Tenants of the Development. (8 Points Maximum for Part A and B Combined) | _____ |
| (10) | N/A | Housing Needs Characteristics. (7 Points Maximum) | _____ |
| (11) | 9 | Development Includes the Use of Existing Housing as part of a Community Revitalization Plan (Development Characteristics). (7 Points) | _____ |
| (12) | 10 | Pre-Application Participation Incentive Points. (6 Points) | _____ |
| (13) | 11 | Development Location. (4 Points Maximum) | _____ |
| (14) | N/A | Exurban Developments or Reconstruction or Rehabilitation of Developments (Development characteristics). (7 Points) | _____ |
| (15) | 12 | Tenant Populations with Special Housing Needs. (4 Points) | _____ |
| (16) | 13 | Length of Affordability Period. (4 Points Maximum) | _____ |
| (17) | 14 | Site Characteristics. (+4 Points Maximum for Part A and B Combined. Note: may be as low as -5 Points) | _____ |
| (18) | 15 | Development Size. (3 Points) | _____ |
| (19) | 16 | Qualified Census Tracts with Revitalization. (2 Points) | _____ |
| (20) | 17 | Sponsor Characteristics. (2 Points) | _____ |
| (21) | 18 | Projects Intended for Eventual Tenant Ownership – Right of First Refusal. (1 Point) | _____ |
| (22) | 19 | Leveraging of Private, State, and Federal Resources. (1 Point) | _____ |
| (23) | 20 | Third-Party Funding Commitment Outside of Qualified Census Tracts. (1 Point) | _____ |
| (24) | 21 | Scoring Criteria Imposing Penalties. (-5 Points for Part A and -3 Points for each removal under Part B) | _____ |
| TOTAL POINTS REQUESTED (Note: with the exception of TX-USDA- RHS Applications, must score a minimum of 125 points to be eligible for an allocation of Housing Tax Credits) | | | _____ |

Volume 4, Tab 3

Income Levels of Tenants

Applications may qualify to receive up to 22 points for qualifying under this exhibit. Select the appropriate box for points applied for:

To qualify for these points, the tenant incomes must not be higher than permitted by the AMGI level. The Development Owner, upon making selections for this exhibit, will set aside Units at the levels of AMGI and will maintain the percentage of such Units continuously over the compliance and extended use period as specified in the LURA. These income levels require corresponding rent levels that do not exceed 30% of the income limitation .

22 points if at least 80% of the Total Units in the Development are set-aside with incomes at or below 50% of AMGI; or

22 points if at least 10% of the Total Units in the Development are set-aside with incomes at or below 30% of AMGI; or

20 points if at least 60% of the Total Units in the Development are set-aside with incomes at or below 50% of AMGI; or

18 points if at least 40% of the Total Units in the Development are set-aside with incomes at or below a combination of 50% and 30% of AMGI in which at least 5% of the Total Units are at or below 30% of AMGI; or

16 points if at least 40% of the Total Units in the Development are set-aside with incomes at or below 50% of AMGI; or

14 points if at least 35% of the Total Units in the Development are set-aside with incomes at or below 50% of AMGI.

Volume 4, Tab 3

Size and Quality of the Units (Part A)

Applications may qualify to receive up to 20 points for Part A and B combined under this exhibit. Select the appropriate box for points applied for:

Part A: **Size of the Units (6 Points):** Select this box if the Development meets the following criteria: Six points for this item will be automatically granted for Applications involving rehabilitation, Developments receiving funding from TX-USDA-RHS, or Developments proposing single room occupancy without meeting these square footage minimums. The square feet of all of the Units in the Development, for each type of Unit, must be at least the minimum noted below.

- 500 square feet for an efficiency unit;
- 650 square feet for a non-elderly one bedroom unit; 550 square feet for an elderly one bedroom unit;
- 900 square feet for a non-elderly two bedroom unit; 750 square feet for an elderly two bedroom unit;
- 1,000 square feet for a three bedroom unit; and
- 1,200 square feet for a four bedroom unit.

Size and Quality of the Units (Part B)

Part B: Quality of the Units (14 Point Maximum). Applications in which Developments provide specific amenity and quality features in every Unit at no extra charge to the tenant will be awarded points based on the point structure provided in clauses (i) through (xix) of this subparagraph, not to exceed 14 points in total. Applications involving scattered site Developments must have at least half of the Units located with a specific amenity to count for points. Applications involving Rehabilitation or single room occupancy may double the points listed for each item, not to exceed 14 points in total. **Select All That Apply:**

- 100% masonry on exterior, which can include stucco, cementitious board products, concrete brick and mortarless concrete masonry, but not EFIS or synthetic stucco (3 points)
- 14 SEER HVAC for New Construction or radiant barrier in the attic for Rehabilitation (3 points)
- Ceiling fixtures in all rooms (globe with ceiling fan in all bedrooms) (1 point)
- Covered entries (1 point)
- Covered parking (including garages) of at least one covered space per Unit (2 points)
- Covered patios or covered balconies (1 point)
- Energy Star or equivalently rated refrigerators and dishwashers (2 points)
- Fire sprinklers in all Units (2 points)
- Greater than 75% masonry on exterior, which can include stucco and cementitious board products, concrete brick and mortarless concrete masonry, but not EFIS or synthetic stucco (1 points)
- High Speed Internet service to all Units at no cost to residents (2 points)
- Laundry connections (2 points)
- Laundry equipment (washers and dryers) in units (3 points)
- Microwave ovens (1 point)
- Nine foot ceilings (1 point)
- R-15 Walls / R-30 Ceilings (rating of wall system) (3 points)
- Refrigerator with icemaker (1 point)
- Self-cleaning or continuous cleaning ovens (1 point)
- Storage room or closet, of approximately 9 square feet or greater, which does not include bedroom, entryway or linen closets– does not need to be in the Unit but must be on the property site (1 point)
- Thirty year architectural shingle roofing (1 point)
- Use of energy efficient alternative construction materials (for example, Structurally Insulated Panel construction) with wall insulation at a minimum of R-20 (3 points)

By signing, the applicant certifies that the Developments will provide each of the specific amenity and quality features in every Unit at no extra charge to the tenant.

By: _____
Signature of Applicant/Owner

Date

Its: _____

Volume 4, Tab 5

Commitment of Development Funding from Local Political Subdivisions

Applications may qualify to receive up to 18 points for qualifying under this exhibit. An Applicant may submit several sources to substantiate points for this section, but may not substitute any source after the Application has been submitted to the Department.

Complete the following information for all sources eligible for points under §50.(9)(i)(5) of the QAP. Use additional pages if necessary. For in-kind contributions, indicate the value claimed for points. For all sources, submit all evidence behind this tab as required by this section of the QAP. Be sure all sources are included in Volume 1, Tab 4, *Sources and Uses*.

Remember: Pursuant §50.(9)(i)(5) of the QAP, the commitment from the Local Political Subdivision must attest to the fact that any funds committed were not first provided to the Local Political Subdivision by the Applicant, the Developer, Consultant, Related Party or any individual or entity acting on behalf of the proposed Application, unless the Applicant itself is a Local Political Subdivision or subsidiary.

Funding Source #1

Local Political Subdivision: _____
Type: _____
Total Amount: \$ _____
Amount Per Unit: \$ _____
Point Value: 6 points 12 points 18 points
Has an application been submitted? Yes No
Is a firm commitment still needed? Yes No

Funding Source #2

Local Political Subdivision: _____
Type: _____
Total Amount: \$ _____
Amount Per Unit: \$ _____
Point Value: 6 points 12 points 18 points
Has an application been submitted? Yes No
Is a firm commitment still needed? Yes No

Funding Source #3

Local Political Subdivision: _____
Type: _____
Total Amount: \$ _____
Amount Per Unit: \$ _____
Point Value: 6 points 12 points 18 points
Has an application been submitted? Yes No
Is a firm commitment still needed? Yes No

Funding Source #5

Local Political Subdivision: _____
Type: _____
Total Amount: \$ _____
Amount Per Unit: \$ _____
Point Value: 6 points 12 points 18 points
Has an application been submitted? Yes No
Is a firm commitment still needed? Yes No

Volume 4, Tab 6

Rent Levels of the Units

Applications may qualify to receive up to 12 points for qualifying under this exhibit. Select the appropriate box for points applied for:

If 80% or fewer of the Units in the Development (excluding any Units reserved for a manager) are restricted to having rents plus the allowance for utilities equal to or below the maximum tax credit rent, then the Development shall be awarded 7 points.

If between 81% and 85% of the Units in the Development (excluding any Units reserved for a manager) are restricted to having rents plus the allowance for utilities equal to or below the maximum tax credit rent, then the Development shall be awarded 8 points.

If between 86% and 90% of the Units in the Development (excluding any Units reserved for a manager) are restricted to having rents plus the allowance for utilities equal to or below the maximum tax credit rent, then the Development shall be awarded 9 points.

If between 91% and 95% of the Units in the Development (excluding any Units reserved for a manager) are restricted to having rents plus the allowance for utilities equal to or below the maximum tax credit rent, then the Development shall be awarded 10 points.

If greater than 95% of the Units in the Development (excluding any Units reserved for a manager) are restricted to having rents plus the allowance for utilities equal to or below the maximum tax credit rent, then the Development shall be awarded 12 points.

Developments that are scattered site will receive the full 12 points provided that they have received points under paragraph (3) of this subsection.

Volume 4, Tab 7

Cost of the Development by Square Foot

Applicants may qualify for 10 points for qualifying under this exhibit. Select the appropriate box for points applied for:

For this exhibit, costs shall be defined as construction costs, including site work, contingency, contractor profit, overhead and general requirements, as represented in the Development Cost Schedule. This calculation does not include indirect construction costs. The calculation will be costs per square foot of net rentable area (NRA). The calculations will be based on the cost listed in the Development Cost Schedule and NRA shown in the Rent Schedule of the Application. The First Tier Counties are Aransas, Calhoun, Chambers, Jefferson, Kleberg, Nueces, San Patricio, Brazoria, Cameron, Galveston, Kennedy, Matagorda, Refugio and Willacy.

Costs do not exceed:

\$80 per square foot for Qualified Elderly, transitional, and single room occupancy Developments not located in First Tier Counties

\$82 per square foot for Qualified Elderly, transitional, and single room occupancy Developments located in First Tier Counties

\$70 per square foot for Non-Qualified Elderly, transitional, and single room occupancy Developments not located in First Tier Counties

\$72 per square foot for Non-Qualified Elderly, transitional, and single room occupancy Developments located in First Tier Counties

Tenant Supportive Services Certification

Applicants may qualify for 8 points for qualifying under A and B of this exhibit. Select the appropriate box for points applied for:

Part I. Coordination of Supportive Services with State Workforce Development

- Coordination with State Programs. By checking here, the Development Owner agrees to coordinate their tenant services with those services provided through state workforce development and welfare programs (2 Points).

Part II. Provision of Supportive Services

- The Applicant certifies that the Development will provide a combination of special supportive services appropriate for the proposed tenants. The provision of supportive services will be included in the LURA as selected from the list of services identified below. No fees may be charged to tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided (Maximum 6 Points).

A. **Number of Services.** Owner certifies to provide, at a minimum, the following number of services from the list in paragraph B:

- Two of the services (2 points); or
- Four of the services (4 points); or
- Six of the services (6 points).

B. Service options include:

Child care; transportation; basic adult education; legal assistance; counseling services; GED preparation; English as a second language classes; vocational training; home buyer education; credit counseling; financial planning assistance or courses; health screening services; health and nutritional courses; organized team sports programs, youth programs; scholastic tutoring; any other programs described under Title IV-A of the Social Security Act (42 U.S.C. §§ 601 et seq.) which enables children to be cared for in their homes or the homes of relatives; ends the dependence of needy families on government benefits by promoting job preparation, work and marriage; prevents and reduces the incidence of out-of wedlock pregnancies; and encourages the formation and maintenance of two-parent families; any other services addressed by 2306.254 of Texas Government Code; or any other services approved in writing by the Department.

By: _____ Its: _____
Signature of Applicant/Owner *Date*

Pre-Application Certification

Applicants may qualify for 6 points for qualifying under this exhibit. Select the appropriate box for points applied for:

Pre-Application Certification. Applicants that submitted a Pre-Application during the Pre-Application Acceptance Period and meet the requirements below will receive 6 points if they are awarded by the Department an Application score that is not more than 5% greater or less than the number of points awarded by the Department at Pre-Application, with the exclusion of points for support and opposition under subsections (i)(2) and (i)(6) of the QAP.

I (We) affirm that this Application is eligible for the Pre-Application points as confirmed by each item below:

- The site in the Application is for the identical site as the proposed Development in the Pre-Application;
- This Application has met the Pre-Application Threshold Criteria as determined by the Department;
- The Development is serving the same target population (family, elderly or Intergeneration Housing) as in the Pre-Application.
- The Development is the same Set-Asides (Set-Asides can be dropped between Pre-Application and Application, but no Set-Asides may be added).

I (We) now elect, with the submission of this Application, the following option as it relates to the Department's processing of this Application (**select only one**):

- OPTION A:** The Pre-Application points for this application was over 5% lower than our total points applied for in this Application, and we want to still receive the 6 pre-application points. Therefore, I (We) request the 6 Pre-Application points and direct the Department to cap the Application score at no greater than the 5% increase regardless of the total points accumulated in the scoring evaluation.
- OPTION B:** The Pre-Application points for this application was over 5% lower than our total points applied for in this Application, and we would rather loose the 6 pre-app points and keep our current score request (which does not include a request for 6 pre-application points). Therefore, I (We) request that the Pre-Application points be forfeited and that the Department evaluate the Application as requested in the self-scoring sheet.

By: _____ Its: _____
Signature of Applicant/Owner *Date*

Development Location

Applicants may qualify for 4 points for qualifying under this exhibit. Select the appropriate box for points applied for:

- A) A geographical Area which is an Economically Distressed Area; a Colonia; or a Difficult Development Area (DDA) as specifically designated by the Secretary of HUD.
- B) A designated state or federal empowerment/enterprise zone, urban enterprise community, or urban enhanced enterprise community. Such Developments must submit a letter and a map from a city/county official verifying that the proposed Development is located within such a designated zone. Letter should be no older than June 9, 2005.
- C) A city or county-sponsored area or zone where a city or county has, through a local government initiative, specifically encouraged or channeled growth, neighborhood preservation, or redevelopment. Such Developments must submit all of the following documentation: a letter from a city/county official verifying that the proposed Development is located within the city or county-sponsored zone or district; a map from the city/county official which clearly delineates the boundaries of the district; and a certified copy of the appropriate resolution or documentation from the mayor, local city council, county judge, or county commissioners court which documents that the designated Area was created by the local city council/county commission, and targets a specific geographic Area which was not created solely for the benefit of the Applicant.
- D) the Development is located in a county that has received an award as of November 15, 2005, within the past three years, from the Texas Department of Agriculture's Rural Municipal Finance Program or Real Estate Development and Infrastructure Program. Cities which have received one of these awards are categorized as awards to the county as a whole so Developments located in a different city than the city awarded, but in the same county, will still be eligible for these points.
- E) the Development is located in a census tract in which there are no other existing developments supported by housing tax credits. Applicant must provide evidence.
- F) the Development is located in a census tract which has a median family income (MFI), as published by the United States Bureau of the Census (U.S. Census), that is higher than the median family income for the county in which the census tract is located. This comparison shall be made using the most recent data available as of the date the Application Round opens the year preceding the applicable program year. Developments eligible for these points must submit evidence documenting the median income for both the census tract and the county.
- G) the proposed Development will serve families with children (at least 70% of the Units must have an eligible bedroom mix of two bedrooms or more) and is proposed to be located in an elementary school attendance zone of an elementary school that has an academic rating of "Exemplary" or "Recognized," or comparable rating if the rating system changes. The date for consideration of the attendance zone December 9, 2005 and the academic rating is the most current rating determined by the Texas Education Agency as of that same date.
- H) the proposed Development will expand affordable housing opportunities for low-income families with children outside of poverty areas. This must be demonstrated by showing that the Development will serve families with children (at least 70% of the Units must have an eligible bedroom mix of two bedrooms or more) and that the census tract in which the Development is proposed to be located has no greater than 10% poverty population according to the most recent census data.

Applicants may qualify for 4 points for qualifying under this exhibit. The Applicant must certify to the following:

Tenant Populations with Special Housing Needs.

At least 10% of the Units are set aside for Persons with Special Needs. "Persons with Special Needs" include all of the following:

A person who:

- has a physical, mental or emotional impairment that:
 - is expected to be of a long, continued and indefinite duration,
 - substantially impedes his or her ability to live independently, and
 - is of such a nature that the disability could be improved by more suitable housing conditions,
- has a developmental disability, as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. Section 15002), or
- has a disability, as defined in 24 CFR §5.403, or
- has alcohol and/or drug addictions, or
- is a Colonia residents, or
- is a victim of domestic violence, or
- has HIV/AIDS, or
- is homeless or
- is a migrant farm worker.

Throughout the Compliance Period, unless otherwise permitted by the Department, the Development owner agrees to affirmatively market Units to Persons with Special needs. In addition, the Department will require a minimum 12 month period during which units must either be occupied by persons with Special Needs or held vacant. The 12 month period will begin on the date each building receives its certificate of occupancy. For buildings that do not receive a Certificate of Occupancy, the 12 month period will begin on the placed in service date as provided in the Cost Certification manual. After the 12 month period, the owner will no longer be required to hold units vacant for households with special needs, but will be required to continue to affirmatively market units to household with special needs.

By: _____ Its: _____
Signature of Applicant/Owner *Date*

Volume 4, Tab 13

Length of Affordability Period Selection Form

Applicants may qualify for up to 4 points for qualifying under this exhibit. Select the appropriate box for points applied for:

Length of Affordability Period. In accordance with the Code, each Development is required to maintain its affordability for a 15-year compliance period and, subject to certain exceptions, an additional 15-year extended use period. Development Owner indicates below that the Development will extend the affordability period beyond the 30 years required in the Code as follows:

Add 5 years of affordability after the extended use period for a total affordability period of 35 years (2 points)

Add 10 years of affordability after the extended use period for a total affordability period of 40 years (4 points)

By: _____ Its: _____
Signature of Applicant/Owner *Date*

Part A. Proximity of Site to Amenities

Applicants may qualify for up to 4 points for qualifying under this exhibit . Select the appropriate box for points applied for:

(Select All That Apply)

Proximity of site to amenities. Developments located on sites within a one mile radius (two-mile radius for Developments competing for a Rural Regional Allocation) of at least three services appropriate to the target population will receive four points. Only one service of each type listed below will count towards the points. A map must be included identifying the development site and the location of the services, as well as written directions from the site to each service. The services must be identified by name on the map and in the written directions. If the services are not identified by name, points will not be awarded. All services must exist or, if under construction, must be at least 50% complete by the date the Application is submitted (4 points).

A site located within one-quarter mile of public transportation that is accessible to persons with disabilities (4 points).

Located within a community that has “on demand” transportation that is special transit service, or specialized elderly transportation for Qualified Elderly Developments, will receive full points regardless of the proximity to amenities, as long as the Applicant provides appropriate evidence of the transportation services used to satisfy this requirement. If a Development is providing its own specialized van or on demand service, then this will be a requirement of the LURA. Only one service of each type listed below will count towards the points. A map must be included identifying the development site and the location of the services. The services must be identified by name on the map. If the services are not identified by name, points will not be awarded. All services must exist or, if under construction, must be at least 50% complete by the date the Application is submitted. (4 points).

- Full service grocery store or supermarket
- Pharmacy
- Convenience Store/Mini-market
- Department or Retail Merchandise Store
- Bank/Credit Union
- Restaurant (including fast food)
- Indoor public recreation facilities, such as civic centers, community centers, and libraries
- Outdoor public recreation facilities such as parks, golf courses, and swimming pools
- Hospital/medical clinic
- Doctor’s offices (medical, dentistry, optometry)
- Public Schools (only eligible for Developments that are not Qualified Elderly Developments)
- Senior Center (only eligible for Qualified Elderly Developments)

By: _____
Signature of Applicant/Owner

_____ *Date*

Its: _____

Part B. Negative Site Amenities

Applicants may receive up to -5 points under this exhibit . Select either Option A or B, as appropriate:

Negative Site Features. Sites with the following negative characteristics will have points deducted from their score. For purpose of this exhibit, the term ‘adjacent’ is interpreted as sharing a boundary with the Development site. The distances are to be measured from all boundaries of the Development site.

Option A: I certify that the items selected below are the only negative site features for this Development site. If it is determined that this Application has failed to note any negative features, double points will be deducted from the score or the Application may be terminated depending on the circumstances (**Select all those site features that are applicable**).

- Developments located adjacent to or within 300 feet of junkyards will have 1 point deducted from their score.
- Developments located adjacent to or within 300 feet of active railroad tracks will have 1 point deducted from their score. Rural Developments funded through TX-USDA-RHS are exempt from this point deduction.
- Developments located adjacent to or within 300 feet of heavy industrial uses such as manufacturing plants will have 1 point deducted from their score.
- Developments located adjacent to or within 300 feet of a solid waste or sanitary landfill will have 1 point deducted from their score.
- Developments located adjacent to or within 100 feet of high voltage transmission power lines will have 1 point deducted from their score.

Option B: I certify that none of the negative site features listed above exist for this Development site. If it is determined that this Application has failed to note any negative features, double points will be deducted from the score or the Application may be terminated, depending on the circumstances.

Volume 4, Tab 17

Sponsor Characteristics Certification

Applicants may qualify for up to 2 points for qualifying under either Part A of Part B of this exhibit. Select the appropriate box for points applied for:

Part A: An Application will receive these two points if this box is checked. The Applicant must submit a plan behind this tab reflecting how they will use Historically Underutilized Businesses in the development process consistent with the Historically Underutilized Business Guidelines for contracting with the State of Texas.

As the Applicant, I certify that this plan will be utilized and this information is true and correct:

By: _____ Its: _____
Signature of Applicant/Owner Date

Part B: Both Sections 1 and 2 must be completed to qualify for these 2 points.

Section 1: (To be completed by the Applicant. Both boxes must be checked to qualify for the 2 points under Part B)

I (We) certify that no Principal of the HUB has experience which would meet the requirements of §50.9(g) of the 2006 or has developed, and received 8609's for more than two Developments involving tax credits.

Enter the name and title of all Principals of the HUB. If more space is needed, provide additional documentation behind this tab.

| Principal Name: | Role/Title: |
|-----------------|-------------|
| | |
| | |
| | |
| | |

I (We) certify the HUB has partnered with an experienced developer (as defined by §50.9 of the 2006 QAP) and understand that the experienced developer, as an Affiliate, will not be subject to the credit limit described under §50.6(d) of the 2006 QAP for one application per Application Round and certify that the experienced developer is not be a Related Party to the HUB.

As the Applicant applying for points under Part B, I certify that this information is true and correct:

By: _____ Its: _____
Signature of Applicant/Owner Date

Section 2: (To be completed by the experienced developer partnering with the HUB.)

Enter your name and title as the experienced developer partnering with the HUB (as defined by §50.9 of the 2006 QAP).

| | |
|-----------------------------|-------------|
| Experienced Principal Name: | Role/Title: |
| | |
| | |
| | |
| | |

As the experienced developer named above, I certify that this is the only Application in the 2006 round that I have partnered with to meet the requirements of §50.9(1)(20) for any application:

By: _____ Its: _____
Signature of experienced developer *Date*

Section 3: (Certified by the Texas Building and Procurement Commission. Must be completed if applying for points under Part B)

HUB REQUIREMENTS

An historically underutilized business, in conformance with Chapter 2161 of the Texas Government Code, means an entity with its principal place of business in the state of Texas that is:

- (a) a corporation formed for the purpose of making a profit in which 51 percent or more of all classes of the shares of stock or other equitable securities are owned by one or more economically disadvantaged persons who have a proportionate interest and actively participate in the corporation’s control, operation, and management;
- (b) a sole proprietorship created for the purpose of making a profit that is completely owned, operated, and controlled by an economically disadvantaged person;
- (c) a partnership formed for the purpose of making a profit in which 51 percent or more of the assets and interest in the partnership are owned by one or more economically disadvantaged persons who have a proportionate interest and actively participate in the partnership’s control, operation and management;
- (d) a joint venture in which each entity in the venture is a historically underutilized business, as determined under another paragraph of this definition; or
- (e) a supplier contract between a historically underutilized business as determined under another paragraph of this subdivision and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the goods

Applicants may qualify for 1 points for qualifying under this exhibit by certifying below.

This certification serves as evidence that the Development Owner agrees to provide a right of first refusal to purchase the Development upon or following the end of the Compliance Period for the minimum purchase price provided in, and in accordance with the requirements of, §42(i)(7) of the Code (the "Minimum Purchase Price"), to a Qualified Nonprofit Organization, the Department, or either an individual tenant with respect to a single family building, or a tenant cooperative, a resident management corporation in the Development or other association of tenants in the Development with respect to multifamily developments (together, in all such cases, including the tenants of a single family building, a "Tenant Organization"). Development Owner may qualify for these points by providing the right of first refusal in the following terms.

(A) Upon the earlier to occur of:

(i) the Development Owner's determination to sell the Development, or

(ii) the Development Owner's request to the Department, pursuant to §42(h)(6)(E)(II) of the Code, to find a buyer who will purchase the Development pursuant to a "qualified contract" within the meaning of §42(h)(6)(F) of the Code, the Development Owner shall provide a notice of intent to sell the Development ("Notice of Intent") to the Department and to such other parties as the Department may direct at that time. If the Development Owner determines that it will sell the Development at the end of the Compliance Period, the Notice of Intent shall be given no later than two years prior to expiration of the Compliance Period. If the Development Owner determines that it will sell the Development at some point later than the end of the Compliance Period, the Notice of Intent shall be given no later than two years prior to date upon which the Development Owner intends to sell the Development.

(B) During the two years following the giving of Notice of Intent, the Sponsor may enter into an agreement to sell the Development only in accordance with a right of first refusal for sale at the Minimum Purchase Price with parties in the following order of priority:

(i) during the first six-month period after the Notice of Intent, only with a Qualified Nonprofit Organization that is also a community housing development organization, as defined for purposes of the federal HOME Investment Partnerships Program at 24 C.F.R. § 92.1 (a "CHDO") and is approved by the Department,

(ii) during the second six-month period after the Notice of Intent, only with a Qualified Nonprofit Organization or a Tenant Organization; and

(iii) during the second year after the Notice of Intent, only with the Department or with a Qualified Nonprofit Organization approved by the Department or a Tenant Organization approved by the Department.

(iv) If, during such two-year period, the Development Owner shall receive an offer to purchase the Development at the Minimum Purchase Price from one of the organizations designated in clauses (i) through (iii) of this subparagraph (within the period(s) appropriate to such organization), the Development Owner shall sell the Development at the Minimum Purchase Price to such organization. If, during such period, the Development Owner shall receive more than one offer to purchase the Development at the Minimum Purchase Price from one or more of the organizations designated in clauses (i) through (iii) of this subparagraph (within the period(s) appropriate to such organizations), the Development Owner shall sell the Development at the Minimum Purchase Price to whichever of such organizations it shall choose.

(C) After whichever occurs the later of:

(i) the end of the Compliance Period; or

(ii) two years from delivery of a Notice of Intent,

the Development Owner may sell the Development without regard to any right of first refusal established by the LURA if no offer to purchase the Development at or above the Minimum Purchase Price has been made by a Qualified Nonprofit Organization, a Tenant Organization or the Department, or a period of 120 days has expired from the date of acceptance of all such offers as shall have been received without the sale having occurred, provided that the failure(s) to close within any such 120-day period shall not have been caused by the Development Owner or matters related to the title for the Development.

(D) At any time prior to the giving of the Notice of Intent, the Development Owner may enter into an agreement with one or more specific Qualified Nonprofit Organizations and/or Tenant Organizations to provide a right of first refusal to purchase the Development for the Minimum Purchase Price, but any such agreement shall only permit purchase of the Development by such organization in accordance with and subject to the priorities set forth in subparagraph (B) of this paragraph.

(E) The Department shall, at the request of the Development Owner, identify in the LURA a Qualified Nonprofit Organization or Tenant Organization which shall hold a limited priority in exercising a right of first refusal to purchase the Development at the Minimum Purchase Price, in accordance with and subject to the priorities set forth in subparagraph (B) of this paragraph.

(F) The Department shall have the right to enforce the Development Owner's obligation to sell the Development as herein contemplated by obtaining a power-of-attorney from the Development Owner to execute such a sale or by obtaining an order for specific performance of such obligation or by such other means or remedy as shall be, in the Department's discretion, appropriate.

DEVELOPMENT OWNER

Name: _____

Title: _____

Date: _____



Volume 4, Tab 19

Leveraging of Private, State and Federal Resources

Complete the following information for all sources eligible for 1 point under §50.(9)(i)(22) of the QAP. Use additional pages if necessary. For all sources, submit all evidence behind this tab as required by this section of the QAP. Be sure that the *Rent Schedule* in Volume 1, Tab 2 reflects that at least 3% of all low-income Units are designated at 30% AMGI and that all sources are included in Volume 1, Tab 4, *Sources and Uses*.

Remember: Pursuant §50.(9)(i)(22) of the QAP, the provider of the funds must attest to the fact in the commitment that they are not the Applicant, the Developer, Consultant, Related Party or any individual or entity acting on behalf of the proposed Application and attest that none of the funds committed were first provided to the entity by the Applicant, the Developer, Consultant, Related Party or any individual or entity acting on behalf of the proposed Application.

Funding Source #1

Private, State or Local Resource: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____
Is a firm commitment still needed? Yes No

Funding Source #2

Private, State or Local Resource: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____
Is a firm commitment still needed? Yes No

Funding Source #3

Private, State or Local Resource: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____
Is a firm commitment still needed? Yes No

Funding Source #5

Private, State or Local Resource: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____
Is a firm commitment still needed? Yes No



Volume 4, Tab 20

Third-Party Funding Commitment Outside of Qualified Census Tracts

Complete the following information for all sources eligible for 1 point under §50.(9)(i)(23) of the QAP. Use additional pages if necessary. For all sources, submit all evidence behind this tab as required by this section of the QAP. Be sure that all sources are included in Volume 1, Tab 4, *Sources and Uses* and they reflect that they equal at least 2% of the Total Development costs reflected in the Application..

Remember: The provider of the funds can not be a loan from a commercial lender and must attest to the fact that they are not the Applicant, the Developer, Consultant, Related Party or any individual or entity acting on behalf of the proposed Application and attest that none of the funds committed were first provided to the entity by the Applicant, the Developer, Consultant, Related Party or any individual or entity acting on behalf of the proposed Application.

Funding Source #1

Funding Source: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____

Funding Source #2

Funding Source: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____

Funding Source #3

Funding Source: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____

Funding Source #4

Funding Source: _____
Type: _____
Total Amount: \$ _____
Percentage of Development Cost: % _____